

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Craig Anderson	Team: Team # 2	CCRB Case #: 201311358	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 12/02/2013 , Tuesday, 12/03/2013 12:20 AM	Location of Incident: 75th Precinct stationhouse	Precinct: 75	18 Mo. SOL 6/3/2015	EO SOL 6/3/2015	
Date/Time CV Reported Wed, 12/04/2013 11:54 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 12/04/2013 11:54 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LT Eric Delman	00000	922228	075 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Richard Meilink	23704	953094	PBBN
2. SGT Jason Zeikel	05634	945129	PBBN
3. POM Chris Whitehead	25402	923056	075 PCT
4. POM Matthew Strzelczyk	02191	953453	PBBN
5. POM Anthony Codispoti	22840	952601	PBBN

Officer(s)	Allegation	Investigator Recommendation
A.LT Eric Delman	Abuse: Lt. Eric Delman did not obtain medical treatment for § 87(2)(b)	
B.LT Eric Delman	Abuse: Lt. Eric Delman threatened § 87(2)(b) with the use of force.	

### Case Summary

§ 87(2)(b) filed this complaint with the CCRB by phone on December 4, 2013 (encl.4A-B). On December 3, 2013, Sgt. Jason Zeikel, PO Richard Meilink, and PO Anthony Codispoti arrested § 87(2)(b) at Atlantic Avenue and Shepherd Avenue in Brooklyn. They transported him to the 75<sup>th</sup> Precinct stationhouse, and the following allegations resulted:

- **Allegation A – Abuse of Authority: Lt. Eric Delman did not obtain medical treatment for § 87(2)(b)**
- **Allegation B – Abuse of Authority: Lt. Eric Delman threatened § 87(2)(b) with the use of force.** § 87(2)(g)

This case was reassigned to the undersigned investigator on May 25, 2014, following Investigator Ashley Helaudais' departure from the agency. § 87(2)(b) rejected mediation.

### Results of Investigation

#### Civilian Statements

##### Complainant/Victim: § 87(2)(b)

- § 87(2)(b)
- § 87(2)(b)

##### CCRB Testimony

§ 87(2)(b) provided a phone statement on December 16, 2013 (encl.4C) He was interviewed at the CCRB on February 21, 2014 (encl.6D-E). § 87(2)(g)

On December 2, 2013 at about 11:50 p.m., § 87(2)(b) was walking his dog near his house in Brooklyn. The incident was determined by the investigation to have happened after midnight, on December 3, 2013. The dog leash broke during the walk. At Atlantic Avenue and Shepherd Avenue, three uniformed officers in a marked van – described as a 5'11" white man with black hair and a pointy nose, a 5'8" overweight white man, and a 5'11" thin white man in his 30s – identified by the investigation as Sgt. Jason Zeikel, PO Richard Meilink, and PO Anthony Codispoti exited their van and stopped § 87(2)(b)

PO Meilink asked § 87(2)(b) if he had a leash. § 87(2)(b) said yes and put it on the dog. PO Meilink initially said he could leave, but called § 87(2)(b) back and asked for his identification. After running it, PO Meilink said § 87(2)(b) had an open I-card or warrant. § 87(2)(b) and his dog were put in the van and taken to the 75<sup>th</sup> Precinct stationhouse.

§ 87(2)(b) was placed into a cell. At about 4 a.m. or 5 a.m., two officers – described as a 6'3" white man and a 5'9" muscular white woman – identified by the investigation as PO Matthew Strzelczyk and PO Katherine Kiefer drove § 87(2)(b) to the 72<sup>nd</sup> Precinct stationhouse. There, they awaited the officer working on the case for which § 87(2)(b) had an I-card. This officer was not there, so they returned to the 75<sup>th</sup> Precinct stationhouse, where they arrived at about 6 a.m.

Shortly after he was placed in the cells, § 87(2)(b) had panic attacks. (In his phone statement, § 87(2)(b) was unclear about when the panic attacks occurred). He saw PO Strzelczyk walking past his cell, and asked him for medical attention. PO Strzelczyk told another officer – described as a white man in his early 50s, 5’8” tall, with gray hair and a moustache in a white uniform shirt – identified by the investigation as Lt. Eric Delman. § 87(2)(b) asked Lt. Delman to go to the hospital several times. Lt. Delman said, “If you don’t be quiet, I’m going to tase you” and “You want me to tase you? You want me to tase your feet?” (In his intake call, § 87(2)(b) said that he said “shut up before I tase your feet and wrap you in plastic.”) No other officers were around to hear Lt. Delman say this.

At about noon on December 3, 2013, § 87(2)(b) was taken back to the 72<sup>nd</sup> Precinct stationhouse, where he was released at about 1:45 p.m. There, he learned that the person who filed charges against him had dropped them.

**Witness:** § 87(2)(b)

### **Phone Statement**

§ 87(2)(b) provided a phone statement on April 14, 2014 (encl. 5A). He was unavailable to give an in-person statement because he no longer lived in New York.

§ 87(2)(b) was in the 75<sup>th</sup> Precinct holding cells at the same time as § 87(2)(b). He did not know § 87(2)(b)’s name. § 87(2)(b) heard a man ask for medical attention several times from at least four officers, including at least two black men and one white man. All of these officers were in blue uniforms. § 87(2)(b) was unsure when this occurred.

### **Attempts to Contact Civilians**

Numerous calls were made and letters sent to § 87(2)(b) and § 87(2)(b) – two other civilians listed as being in the 75<sup>th</sup> Precinct holding cells at the same time as § 87(2)(b). The investigator was unable to establish contact with them via phone or mail. Thus, their statements were unavailable to the investigation.

### **NYPD Statements:**

#### **Subject Officer: LIEUTENANT ERIC DELMAN**

- *Lt. Delman is a white man who is 5’9” tall, weighs 210 pounds, and has salt-and-pepper hair and brown eyes. He was § 87(2)(b) old at the time of the incident.*
- *Lt. Delman worked from 6:50 a.m. to 3:35 p.m. on December 3, 2013. He was the platoon commander, was in uniform, and was working alone in the stationhouse.*

#### **Memo Book** (encl. 7A-B)

Lt. Delman had no memo book entries about this incident.

#### **CCRB Testimony** (encl. 7E)

Lt. Delman was interviewed at the CCRB on July 8, 2014.

Lt. Delman had no memory of this incident, and did not recognize a photo of § 87(2)(b). He did not recall any prisoner requesting medical attention on December 3, 2013, but said that he would not have refused it if anyone had. He did not say, “Shut up before I tase your feet and wrap you in plastic,” “If you don’t be quiet I’m going to tase you,” or “You want me to tase you? You want me to tase your feet?” He did not recall making any statements involving a taser to any prisoner on that day.

**Witness Officer: PO CHRIS WHITEHEAD**

- *PO Whitehead is a white man who is 6'2" tall, weighs 210 pounds, and has brown hair and gray eyes. He was § 87(2)(b) old at the time of the incident.*
- *PO Whitehead worked from 11:15 p.m. on December 2, 2013 to 7:50 a.m. on December 3, 2013. He was in uniform, working alone as the cell attendant at the 75<sup>th</sup> Precinct stationhouse.*

**Memo Book** (encl. 8A-B)

PO Whitehead had no memo book entries regarding this incident.

**CCRB Testimony** (encl. 8E)

PO Whitehead was interviewed at the CCRB on July 30, 2014.

PO Whitehead had no memory of this incident, did not recognize a photo of § 87(2)(b) did not recall any man who was stopped for an unleashed dog and brought in on a warrant, and did not recall any man having a panic attack and requesting medical attention on December 3, 2013. He did not hear Lt. Delman or any other officer threaten a prisoner with a taser. If a prisoner asked him for medical attention, he would alert the ranking officer at the front desk. He did not refuse medical attention to § 87(2)(b)

**Witness Officer: PO RICHARD MEILINK**

- *PO Meilink, § 87(2)(b) old at the time of the incident, is a white man who is 5'11" tall, weighs 160 pounds, and has brown hair and brown eyes.*
- *PO Meilink worked from 7:30 p.m. on December 2, 2013 to 4:05 a.m. on December 3, 2013. He was assigned as Sgt. Zeikel's operator, was in uniform, and was assigned to marked van number 8517.*

**Memo Book** (encl. 9A-C)

At 12:20 a.m., PO Meilink stopped a man at Atlantic Avenue and Sheppard Avenue for an unleashed dog. At 12:27 a.m., this man was arrested for an open I-card. At 12:34 a.m., they arrived at the 75<sup>th</sup> Precinct stationhouse. At 12:45, PO Meilink notified the 114 Squad Detective Favis. At 1:15 a.m., Det. Favis said that the 72<sup>nd</sup> Squad would take the case. At 1:45 a.m., Det. Franklin from the 72<sup>nd</sup> Squad was assigned to take the case. At 2 a.m., PO Reyes verified the I-card. At 2:30, PO Meilink wrote a summons for time 12:27 to § 87(2)(b) of § 87(2)(b) with benefit card number § 87(2)(b) D.O.B. § 87(2)(b), who was six feet tall, 160 pounds with brown eyes and black hair. § 87(2)(b), C summons number § 87(2)(b) § 87(2)(b)'s property was vouchered.

**CCRB Testimony** (encl. 9F)

PO Richard Meilink was interviewed at the CCRB on June 20, 2014.

On December 3, 2013 at 12:20 a.m., PO Meilink was driving marked van number 8517 with Sgt. Jason Zeikel and PO Anthony Codispoti. At the corner of Atlantic Avenue and Shepherd Avenue in Brooklyn, Sgt. Zeikel noticed a man, § 87(2)(b) with an unleashed dog. PO Meilink stopped the van.

Both PO Meilink and Sgt. Zeikel spoke to § 87(2)(b). The officers ran § 87(2)(b)'s identification because they are required to do so when issuing a criminal summons. § 87(2)(b) was found to have an open I-card, and was arrested.

PO Meilink escorted § 87(2)(b) to a holding cell in the 75<sup>th</sup> Precinct stationhouse. § 87(2)(b) did not understand his arrest, so PO Meilink explained the I-card and told him another

officer would be taking over the arrest. PO Meilink did not go back in the cells after this, and had no further interaction with § 87(2)(b)

**Witness Officer: PO MATTHEW STRELCHYK**

- *PO Strelczyk, § 87(2)(b) old at the time of the incident, is a white male who is 6'1" tall, weighs 230 pounds, and has brown hair and brown eyes.*
- *PO Strelczyk worked from 7:30 p.m. on December 2, 2013 to 4:05 a.m. on December 3, 2013. He was in uniform and working as Sgt. Su's operator.*

**Memo Book** (encl. 10A-C)

At 5:05 a.m., PO Strelczyk transported one man from the 75<sup>th</sup> Precinct stationhouse to the 72<sup>nd</sup> Precinct stationhouse in van 8517. They arrived at the 72<sup>nd</sup> Precinct stationhouse at 5:33 a.m. At 5:39 a.m., PO Strelczyk transported one man from the 72<sup>nd</sup> Precinct stationhouse to the 75<sup>th</sup> Precinct stationhouse in the same van, where he arrived at 6:07 a.m.

**CCRB Testimony** (encl. 10F)

PO Strelczyk was interviewed at the CCRB on June 17, 2014.

On December 3, 2013 at approximately 5:05 a.m., PO Strelczyk transported § 87(2)(b) from the 75<sup>th</sup> Precinct stationhouse to the 72<sup>nd</sup> Precinct stationhouse. PO Strelczyk had not interacted with § 87(2)(b) before this, and no one told him why he was initially brought to the stationhouse. PO Strelczyk drove § 87(2)(b) back to the 75<sup>th</sup> Precinct stationhouse shortly after arriving at the 72<sup>nd</sup> Precinct stationhouse. § 87(2)(b) was calm while they were driving. PO Strelczyk did not specifically recall anything § 87(2)(b) said or did, and never heard him request medical help.

When they returned to the 75<sup>th</sup> Precinct stationhouse, PO Strelczyk walked § 87(2)(b) back to the cells, and had no further interaction with him. PO Strelczyk did not recall which officers were around the cells, and did not recall seeing any lieutenants or other officers in white uniform shirts. PO Strelczyk did not know who Lt. Delman is. PO Strelczyk did not hear any officer threaten § 87(2)(b) with a taser or otherwise mention a taser to § 87(2)(b) and did not hear § 87(2)(b) request medical attention from any other officers.

**Officers Not Interviewed**

Sgt. Zeikel, PO Codispoti, and PO Kiefer were not interviewed, § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

**NYPD Documents**

**75<sup>th</sup> Precinct Command Log** (encl. 14A-E)

§ 87(2)(b) was logged in by PO Meilink at 12:27 a.m. on December 3, 2013. His condition was described as apparently normal. He was taken to the 72<sup>nd</sup> Precinct stationhouse at 4:45 a.m. by PO Strelczyk and PO Kiefer and was logged back in at the 75<sup>th</sup> Precinct stationhouse at 6:10 a.m. Lt. Delman signed in at 6:30 a.m.

**Prisoner Holding Pen Roster** (encl. 15A-G)

The roster shows that § 87(2)(b) and § 87(2)(b) were in the cells at the same time as § 87(2)(b)

### **Summons for Incident and Disposition**

- On § 87(2)(b) § 87(2)(b) resolved summons number § 87(2)(b) § 87(2)(b) (encl. 17C).

### **Status of Civil Proceedings**

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of March 11, 2014 with regard to the incident (encl. 18A).

### **Civilian Criminal History**

- § 87(2)(b)

### **Civilian CCRB History**

- This is the first CCRB complaint filed by § 87(2)(b) § 87(2)(b)

### **Subject Officer CCRB History**

- Lt. Eric Delman has been a member of the service for 15 years and there are two substantiated CCRB allegations against him (encl. 1A-C).
  - In case number 201000719 a stop allegation was substantiated. Lt. Delman received instructions.
  - In case number 201304699 an allegation of retaliatory summonses was substantiated and charges were recommended. As of August 1, 2014, the case is assigned to APU.

## **Conclusion**

### **Identification of Subject Officer**

§ 87(2)(b) stated that when he requested medical attention from a police officer, that officer got a superior officer, who he described as a white man his early 50s, 5'8" tall, with grey hair and a gray moustache and closely-shaved beard, wearing a white uniform shirt. He stated that this occurred shortly after he was taken back to the 75<sup>th</sup> Precinct at 6:10 a.m.

The command log lists Lt. Eric Delman as signing in at 6:30 a.m., and Lt. Kevin Colon signing in at 7:35 a.m. These are the only officers listed who would have been present while wearing white uniform shirts. Lt. Eric Delman is a white man who is 5'9" tall, weighs 210 pounds, is cleanshaven, and was § 87(2)(b) old at the time of the incident. Aside from the lack of facial hair, he matches § 87(2)(b)'s description well. Lt. Kevin Colon is a Hispanic man with a noticeably dark skin tone and brown hair, who is cleanshaven, 5'9" tall, and weighs 160 pounds. § 87(2)(g)

§ 87(2)(g)

## Investigative Findings and Recommendations

### Allegations Not Pleaded

PO Meilink stated that he and his partners stopped § 87(2)(b) because he had an unleashed dog, and they checked for warrants because they are required to do so when issuing a criminal summons. Although § 87(2)(b) said that his leash was broken, he acknowledged that his dog was unleashed. § 87(2)(g)

**Allegation A – Abuse of Authority: Lt. Eric Delman did not obtain medical treatment for § 87(2)(b)**

**Allegation B – Abuse of Authority: Lt. Eric Delman threatened § 87(2)(b) with the use of force.**

§ 87(2)(b) alleged that while he was in a 75<sup>th</sup> Precinct holding cell, he had panic attacks and requested medical attention from an officer. That officer got Lt. Delman, who allegedly refused medical treatment to § 87(2)(b) and threatened him with a taser.

Lt. Delman did not remember or recognize § 87(2)(b) or recall any prisoner requesting medical treatment on December 3, 2013. He stated that he would never deny medical treatment to a prisoner, or threaten them with a taser for requesting treatment.

There is no independent corroboration for § 87(2)(b)'s allegations. Although § 87(2)(b) did hear § 87(2)(b) request medical treatment, he was not certain how the officers responded to the request. He did not see any officer in a white uniform shirt, or hear any officer threaten to tase § 87(2)(b). None of the witness officers interviewed recalled § 87(2)(b) acting abnormally or requesting medical treatment, and none heard Lt. Delman or any officer threaten to tase him.

§ 87(2)(g)

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Team: 2

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date